

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent No. 6,620,911

Attorney Docket No.: 12504.362

(Issued from Application No.: 09/582,951)

Title: **ANTICRYPTOCOCCAL PEPTIDES**

**REQUEST FOR ISSUANCE OF  
CERTIFICATE OF CORRECTION**

ATTN: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 35 U.S.C. § 255 and 37 C.F.R. § 1.323, patentee hereby requests that the Patent Office issue a Certificate of Correction reflecting correction of errors in the claims of the issued patent. Submitted herewith is a Certificate of Correction (Form PTO/SB/44). The Commissioner is hereby authorized to charge the requisite fee of \$100 as required by 37 C.F.R. § 1.323 as well as any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 060590.

The errors are in claims 5 and 6. Claims 5 and 6 each depend from claim 3, but in fact should depend from claim 4. This is apparent from a reading of the claims; claims 5 and 6 each depend from claim 3 and recite administration "to said human", but there is no recitation in claim 3 of "human". The term "human" is recited in claim 4 which depends from claim 3; claim 4 recites "the method according to claim 3 in which said mammal is a human". It is therefore clear that claims 5 and 6 should depend from claim 4 rather than claim 3.

This error appears to have been inadvertently introduced via the patentee's Amendment filed on February 26, 2002 by its attorney of record at the time, and does not appear to have been noticed by either the Examiner or that attorney. The error was not located until well after the

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**Title: ANTICRYPTOCOCCAL PEPTIDES**

**U.S. Patent No. 6,620,911**

**Attorney Docket No. 12504.362**

patent issued. A copy of pages 1-5 of the aforementioned Amendment is attached; claims 24 and 25 of the Amendment correspond respectively to issued claims 3 and 4. Claims 26 and 27 (which correspond respectively to issued claims 5 and 6) both refer to administration to "said human" but depend from claim 24 which does not recite "human". Instead, claims 26 and 27, but should have depended from claim 25, because claim 25 further defined the mammal of claim 24 as a human.

In summary, the errors sought to be corrected appear to have been merely of a clerical nature. Not only are the errors sought to be corrected apparent from the specification as well as the claims, correction of the errors does not constitute new matter and would not require re-examination.

In view of the foregoing, Applicant respectfully requests issuance of a Certificate of Correction for the above-captioned patent. The Patent Office is invited to telephone Applicant's undersigned representative if further information is required.

December 30, 2008

Date

Respectfully submitted,

/Susan Stone Rosenfield/

Susan Stone Rosenfield (Reg. No. 36,287)

**FENNEMORE CRAIG**

Customer No. 27,887

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## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

		Page 1 of 1
PATENT NO.	: 6,620,911	
APPLICATION NO.	: 09/582,951	
ISSUE DATE	: September 16, 2003	
INVENTOR(S)	: Pettit et al.	

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

- Column 16, line 7, in claim 5, the text "claim 3" should be changed to -- claim 4 --.
- Column 16, line 9, in claim 6, the text "claim 3" should be -- claim 4 --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

SUSAN STONE ROSENFELD, Reg. No. 36,287  
Fennemore Craig, P.C.  
3003 N. Central Avenue, Suite 2600  
Phoenix, AZ 85012

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application for to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**FAXED**  
7/26/00  
CP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PETTIT et al  
Serial No: 09/582,951  
Filed: July 7, 2000  
For: Anti-cryptococcal Peptides

Attorney Docket: 5379-US  
Group Art Unit: 1653  
Examiner: D. Lukton

AMENDMENT

To: Assistant Commissioner for Patents  
Box Non-Fee Amendment  
Washington, D.C. 20231

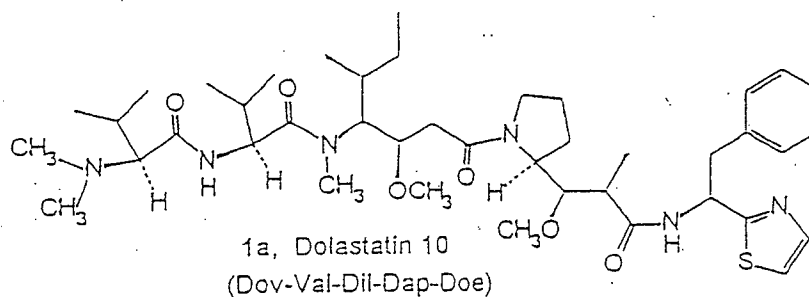
Sir:

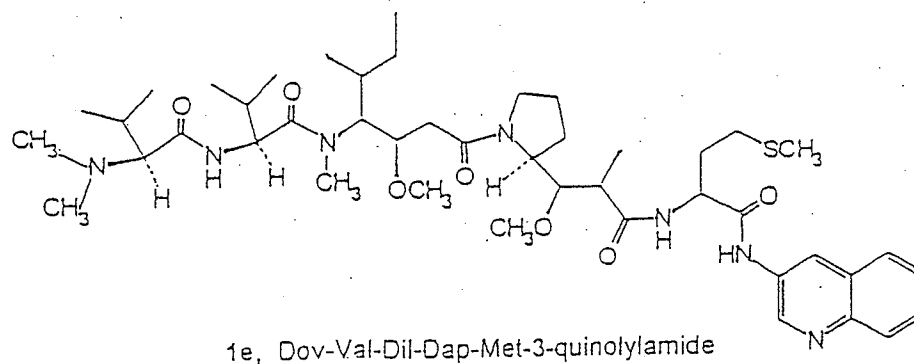
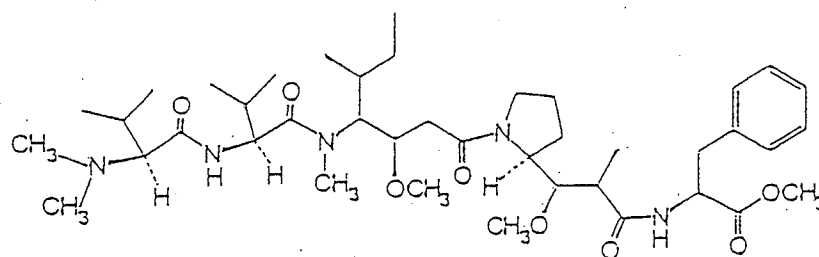
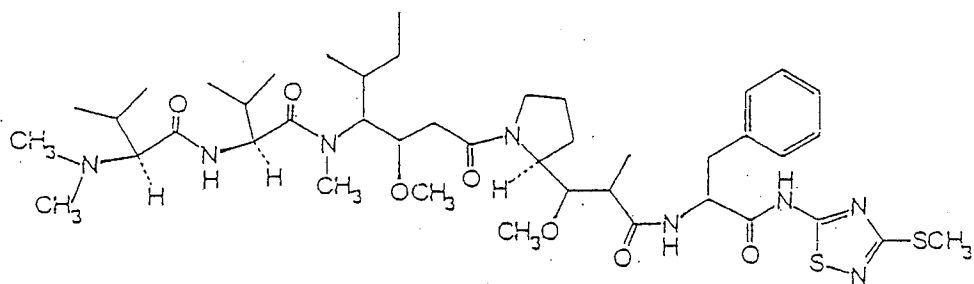
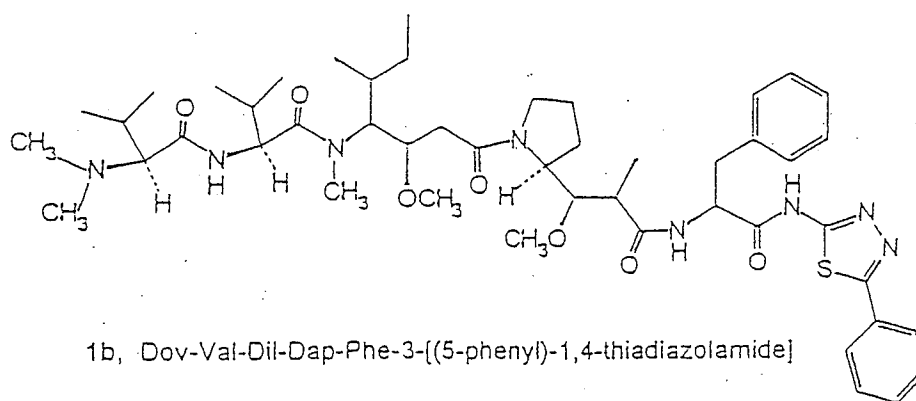
Responsive to the Official Action dated November 26, 2001 (Paper No. 10 ),  
kindly amend the subject application as follows:

Kindly cancel claims 4 – 21 inclusive.

Kindly add the following claims:

22. A method of inhibiting growth of a fungus in a host that is infected with a fungus comprising administering to said host a composition comprising an acceptable carrier, and a compound selected from the group consisting of formulae 1a, 1b, 1c, 1d, and 1e, wherein said method, said composition is administered to the host for a time and under conditions effective to inhibit growth of said fungus; and wherein the structures of said formulae are as follows:





23. The method according to claim 22 wherein said fungus is *Cryptococcus neoformans*.

24. The method according to claim 23 wherein said host is a mammal.
25. The method according to claim 24 in which said mammal is a human.
26. The method according to claim 24 in which said composition is administered to said human by parenteral means. *subsequent for 25*
27. The method according to claim 24 in which said composition is administered topically to said human. *subsequent for 25*
28. The method according to claim 25 in which said composition is administered intravenously to said human.
29. The method according to claim 25 in which said active ingredient is administered in a suppository inserted in said host.
30. The method according to claim 24 in which said composition is administered to said mammal by parenteral means.
31. The method according to claim 24 in which said composition is administered topically to said mammal.
32. The method according to claim 24 in which said composition is administered intravenously to said mammal.
33. The method according to claim 24 in which said composition is administered in a suppository inserted in said mammal.
34. The method according to claim 24 wherein said mammal is infected systematically with *Cryptococcus neoformans*.
35. The method according to claim 24 wherein the epidermis of said mammal is infected with *Cryptococcus neoformans*.
36. The method according to claim 31 wherein said carrier is selected from the group consisting of a water-and-oil emulsion, petrolatum, mineral oil, a moisturizer, and a solubilizer.
37. The method according to claim 27 wherein said carrier is selected from the group consisting of a water-and-oil emulsion, petrolatum, mineral oil, a moisturizer, and a solubilizer.
38. The method of claim 31 in which said carrier contains a fragrance.
39. The method of claim 37 in which said carrier contains a fragrance.

## REMARKS

The mail emergency has confused the prosecution history of this case with Office Actions and Amendments crossing in the mail. All previous claims have been cancelled. New claims 22- 39 have been substituted therefor. Applicant has taken this opportunity to place the claims in some semblance of logical order. The claims correspond as follows:

<u>Claim Number 02-26-02 Amendment</u>	<u>Claim Number 11-01-01 Amendment</u>
22	16
23	19
24	9
25	10
26	11
27	12
28	13
29	14
30	4
31	5
32	6
33	7
34	20
35	21
36	8
37	15
38	17
39	18

Claims 22 - 39 are thus in this case and therefore in issue. In accordance with a telephone conference of this date with the Examiner, no further action need be done by applicant at this time. Applicant does however desire to submit the following list of

article citations for the Examiner's consideration, which are attached hereto as Attachment 1, and a copy of reference # 6 as Attachment 2, which are directed towards the validity of *in vitro* tests as a predictor of efficacy in treating humans.

Appropriate replacement pages are attached hereto for placement in this file.

All claims are now believed to be in condition for allowance and action to that end is respectfully requested and early urged.

Respectfully submitted,



Richard R. Mybeck  
Reg. No. 17,886

February 26, 2002  
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480/483-1285  
Fax 480/483-7452

#### CERTIFICATE OF TRANSMISSION BY FAX

I hereby certify that this correspondence is being transmitted via fax to the fax designated by the examiner in charge of this application, namely 703-872-9306 on the date indicated below.

February, 26 2002



Richard R. Mybeck